

# **ALAMEDA CORRIDOR MAINTENANCE SERVICES**

**Request for Proposals dated September 30, 2024**

**Responses to Questions – Round 2**

**Issued November 04, 2024**

- 1. Can the Business automobile liability insurance minimum limit of \$5M be met with a combination of the Auto Liability and Umbrella/Excess Liability limits.**

As stated in the last paragraph of Section 5.2 A of the RFP, "Evidence of Insurance *Evidence of Insurance*: Provide evidence of the firm's ability to obtain appropriate insurance with an insurer having an AM Best's Guide current rating of not less than A-VIII, with minimum limits as set forth in Article 17 of the draft Maintenance Agreement in Appendix A."

- 2. Will ACTA strike "or any subcontractor" and "or subcontractor" from Article 17.1.4?**

No. According to Article 17.17 of the Agreement, the contractor must ensure that all subcontractors or other parties hired under the Agreement provide the same types of insurance as required of the Contractor, unless otherwise agreed to by ACTA. The coverage limits for subcontractors' liability insurance policies are set at \$5 million. For more details, refer to Article 17 of the draft Agreement.

- 3. Will ACTA strike "or subcontractor's" from Article 17.2?**

No. The phrase "or subcontractor's" must be included.

- 4. Will the \$6M performance and \$1.5M payment bond be a reimbursable upon execution of contract and purchase or will the cost be blended into the successful bidders approved, fully burdened rates?**

These costs will be part of the contractor's overall expenses. ACTA will not reimburse them separately

- 5. What cost category will these bonds be covered for allowable markup?**

Please refer to the answer to question 4.

6. **17.15 Self-Insurance Requires Approval** Section 17.15 specifically states that self-insurance retentions greater than \$50,000 and \$100,000 (pollution) must be declared and approved. Please confirm that this does not apply to deductibles greater than this amount, which are not the same as self-insured retentions.

Article 17.15 of the Agreement indeed specifies that self-insurance retentions greater than \$50,000 and \$100,000 (for pollution) must be declared and approved. This requirement does **not** apply to deductibles greater than these amounts. Deductibles and self-insured retentions are distinct concepts:

- **Self-insured retentions (SIRs):** The amount the insured must pay out-of-pocket before the insurance company pays for a claim. The insured handles and pays for claims up to the SIR amount.
- **Deductibles:** The amount subtracted from an insurance payout. The insurer handles the claim from the start, and the deductible is deducted from the claim payment.

Therefore, the declaration and approval requirement in Article 17.15 applies specifically to self-insured retentions and not to deductibles.

7. **Section 11.7 of the Contract Agreement states that ACTA and contractor will share equally in the cost for security and janitorial services at the Maintenance Facility. Does the contractor enter the full amount or the split amount on Form AR-1, Section I-C - Maintenance Yard Security costs?**

Proposers should enter the full amount for security and janitorial services in accordance with the terms shown in the Draft Contract Agreement.

8. **Can ACTA provide the contract value for contractors to use for determining achieving a 15% SBE utilization?**

Each proposer must estimate the total effort required. ACTA has provided a previous year's budget as a guide. Each proposer must determine the level of SBE participation. The established minimum level of 15% must be met OR the proposer must show Good Faith Efforts were used to achieve the minimum level. See Section 5.4 SBE Utilization in the RFP for more information.

9. **Can ACTA please confirm that Good Faith Efforts are necessary even if the proposer is committing to meet the project utilization goals? It is not common to have to provide GFE in order to have the proposal deemed responsive. GFE documentation is only needed when proposers are unable to meet the goals.**

Proposers who do not meet the 15% minimum SBE participation must submit GFE documentation with the proposal and achieve a GFE minimum score of 70 out of 100 points for a Proposal to be deemed responsive. See Section 5.4 of the RFP and Appendix O of the Draft Contract Agreement for more information.



# ACTA

Alameda Corridor Transportation Authority

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**10. This contractor is requesting an additional two weeks in order to fulfill the obligations of the Good Faith Efforts in Appendix O of the RFP.**

See answer to question 9. Good Faith Effort documentation is not needed if the minimum SBE participation level (15%) is expected to be met. A two-week extension will not be granted.